

Application No. 10/687,223
Amendment dated April 17, 2008
Reply to Office Action of January 25, 2008

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on January 25, 2008, and the references cited therewith.

Claims 1-2, 5-6, 11-12, 19-24, 26, 29-30, and 32 are amended, claims 13-18, 31, and 33-34 are canceled, and no claims are added; as a result, claims 1-12, 19-30, and 32 are now pending in this application.

Examiner Interview

Applicant thanks Examiner Altschul for discussing the proposed amendments to the claims of the present application in view of the cited reference during a telephone conference on April 15, 2008. During the interview, Applicant and the Examiner endeavored to determine whether the proposed amendments were sufficient to overcome the 102 rejection of, in particular, independent claims 1, 19, and 26. There appeared to be a meeting of the minds that the material added to independent claims 1, 19, and 26 is not taught by the Lencki reference. Hence, Applicant has amended a number of claims in the present response, including independent claims 1, 19, and 26, consistent with those submitted to and considered by the Examiner.

§ 102 Rejection of the Claims

Claims 1-12, 19-30 and 32 were rejected under 35 USC §102(b) as allegedly being anticipated by Lencki et al (U.S. Publ. No. 2002/0049617). Applicant respectfully traverses the rejection as follows.

Applicant's independent claim 1, as currently amended, presently recites:

a server including an application interface and access to a data store having one or more client files, wherein a client file includes a definable set of business rule instructions executed by a processor to manage and administer benefits and includes fund use rule instructions executed by a processor to access and apply funds to payment of claims from a plurality of accounts; and

a program operable on the server to apply the definable set of business rules, wherein the instructions are executed by the processor to allow a plan sponsor to define a first defined set of the fund use rules and a plan member to define a second defined set of the fund

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use rules in order to define payment of at least a portion of a claim from between at least two different employee benefit accounts, dependent upon authority being granted by the plan sponsor.

The Lencki reference appears to describe a "System and Method for Facilitating Selection of Benefits". (Title). Applicant respectfully submits that the Lencki reference does not teach, "instructions executed by a processor to access and apply funds to payment of claims from a plurality of accounts", as recited in Applicant's independent claim 1, as currently amended. Applicant additionally submits that the Lencki reference does not teach, "wherein the instructions are executed by the processor to allow a plan sponsor to define a first defined set of the fund use rules and a plan member to define a second defined set of the fund use rules in order to define payment of at least a portion of a claim from between at least two different employee benefit accounts, dependent upon authority being granted by the plan sponsor", as further recited in Applicant's independent claim 1, as currently amended.

Applicant's independent claim 19, as currently amended, presently recites:

defining a number of member rules to be applied in conjunction with the number of plan sponsor rules, wherein the instructions are executed by the processor to allow a plan sponsor to define the number of plan sponsor rules and a plan member to define the number of member rules in order to define payment of at least a portion of a claim from between at least two different employee benefit accounts.

In addition, independent claim 26, as currently amended, presently recites:

allowing a plan sponsor to define a first defined set of fund use rules and a plan member to define a second defined set of fund use rules in order to define payment of at least a portion of a claim from between at least two different employee benefit accounts, dependent upon authority being granted by the plan sponsor.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 19, and 26 is not taught by the Lencki reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the

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102 rejection of independent claims 1, 19, and 26, as currently amended, as well as those claims that depend therefrom.

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CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney Edward J. Brooks III at (612) 236-0120 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this correspondence is being transmitted to the United States Patent Office facsimile number (571) 273-8300 on

April 17, 2008

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